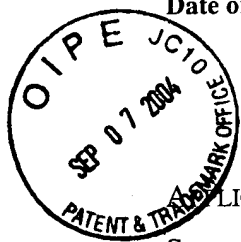


09-09-04
Express Mail Label No.: ED 014845705 US

Date of Deposit: September 7, 2004

Docket No. Cura 85 CON
LFW
Box 859



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bandaru, et al.
SERIAL NUMBER: 10/691,165 EXAMINER:
FILING DATE: October 21, 2003 ART UNIT: TBD
FOR: NOVEL POLYPEPTIDES AND POLYNUCLEOTIDES ENCODING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

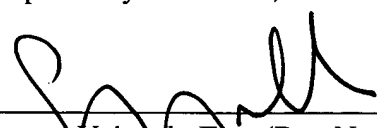
TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Preliminary Amendment; and
2. Response to Notice of Incomplete Nonprovisional Application
3. Figures 1 & 2
4. Combined Declaration and Power of Attorney
5. Sequence Listing (1 disk)
6. Statement in Support of Computer Readable Form
7. Return Postcard

The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 502648, Reference No. Cura 85 CON

Respectfully submitted,


George Yahwak, Esq. (Reg No. 26,824)
Attorney for Applicants
c/o CuraGen Corporation
555 Long Wharf Drive
New Haven, CT 06511
(203) 974-6303 phone
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Dated: September 7, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/691,165	10/21/2003	Bandaru	Cura 85 CON

CONFIRMATION NO. 6533

FORMALITIES LETTER



OC000000013513687

37887
 GEORGE YAHWAK, ESQ.
 555 LONG WHARF DRIVE, 9TH FLOOR
 NEW HAVEN, CT 06511

Date Mailed: 08/12/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

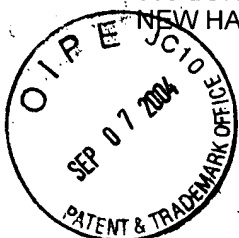
FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no-new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be



submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

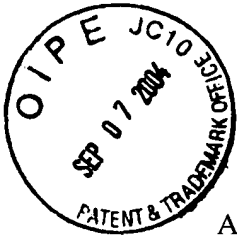
Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.



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PART 1 - ATTORNEY/APPLICANT COPY



EXPRESS MAIL NO.: ED 014 845 705 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Bandaru *et al.*

Confirmation No.: 6533

Application No.: 10/691,165

Group Art Unit: To Be Determined

Filed: October 21, 2003

Examiner:

For: NOVEL POLYPEPTIDES AND
POLYNUCLEOTIDES ENCODING SAME

Attorney Docket No.: Cura 85 CON

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

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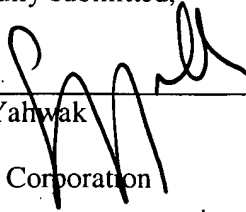
Sir:

In response to the Notice of Incomplete Nonprovisional Application dated August 12, 2004 (a copy of which is submitted herewith) in connection with the above-identified application, Applicants hereby submit: (1) Figures 1 and 2; (2) a true copy of Declaration signed by inventors Sudhirdas K. Prayaga, Raymond J. Taupier Jr., and Raj Bandaru, which was submitted in U.S. Patent Application No. 09/689,486, of which the above-identified application is a continuation application; (3) a paper copy of the "Sequence Listing;" (4) a computer readable form (CRF) copy of the "Sequence Listing;" (5) a statement that the content of the sequence listing information recorded in computer readable form is identical to the written sequence listing and includes no new matter; and (6) a Preliminary Amendment directing the entry of the paper copy of the "Sequence Listing" and the Figures into the application.

Applicants submit that this response is timely filed and no fee is required. However, if any fee is determined to be due, the Commissioner for Patent is authorized to charge to Deposit Account No. 502684, reference number Cura 85 CON.

Date: September 7, 2004

Respectfully submitted,


George Yahwak

26,824

(Reg. No.)

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555 Long Wharf Drive, 9th Floor

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Tel: (203) 974-6303

Fax: (203) 401-3351

Enclosures